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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,433	08/25/2003	Walt Froloff	Emo2	4543
7590	11/29/2005		EXAMINER	
Walt Froloff 273D Searidge Rd Aptos, CA 95003			NGUYEN, CAO H	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/648,433	FROLOFF, WALT
	<b>Examiner</b>	<b>Art Unit</b>
	Cao (Kevin) Nguyen	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on RCE filed on 09/23/05.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Request for Continued Examination (RCE)***

This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 09/23/05. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatlelid (US Patent No. 6,522,333).

Regarding claim 1, Hatlelid et al. discloses system and method of communicating emotive content comprising emotive vectors with associated text embedded in electronic device [..a set of characteristic of the visual representing emotional contexts within which data can be to be interpret; see col. 2, lines 1-35].

Regarding claim 2, Hatlelid et al. discloses comprising the encoding of emotive content into standard computing device communication formats [..predefined categories to be for natural processing of text; see col. 2, lines 38-64].

Regarding claim 3, Hatlelid et al. discloses comprising the encoding of the emotive content into textual communications [..an extrovert personality selection will generate behavioral movements which are dynamic and energetic; see col. 3, lines 6-18].

Regarding claim 4, Hatlelid et al. discloses comprising the decoding of emotive content in electronic communications bearing emotive vectors normalized to the communication's author [..gestures are provided to allow the user to emphasize text or emotions by having the visual representation animated; see col. 3, lines 27-45.]

Regarding claim 5, Hatlelid et al. discloses comprising parsing the emotive content into tokens for presentation and display of face glyph emotive representations with associated textual content on receiver computing device displays [..with selected behavioral characteristics to convey an emotional context portion of the utterance is to be interpreted by recipients; see 5, lines 13-40]

Regarding claim 6, Hatlelid et al. discloses comprising the tokenizing of the of speech of associated text and with the tokenized emotive content synthesizing author's intended meaning

text strings [..communicated to the recipient through the behavioral movements of the visual representation ; see col. 7, lines 5-53].

Regarding claim 7, Hatlelid et al. discloses comprising the mapping of emotive intensity numerical value into one or more word text describing the emotive intensity value in express language which would qualify an associated emotive state with the intensity value [..the text communicated by the sender is analyzed for its content and behavioral movements associated with the content are selected, also responsive to the user's selected behavioral characteristics; see col. 7, lines 53-67 and col. 8, lines 1-21].

Regarding claim 8, Hatlelid et al. discloses further comprising the scanning and tokenizing of the embedded emotive content in the communications (see col. 8, lines 23-67).

Regarding claim 9, Hatlelid et al. discloses comprising parsing communications containing the emotive content using emotive grammar productions to tokenize the emotive content in textual communications (see col. 9, lines 21-54).

Regarding claim 10, Hatlelid et al. discloses comprising a method of encoding emotive vectors normalized to the author with associated text in electronic communications (see col. 9, lines 55-67).

Regarding claim 11, Hatlelid et al. discloses further comprising structuring and synthesizing emotive parsers with productions exploiting emotive vectors encoded in textual datastreams (see col. 10, lines 5-59).

As claims 12-16 are analyzed as previously discussed with respect to claims 1-11 above.

Regarding claims 17 and 18, Hatlelid et al. discloses a computer network comprising a plurality of computing devices connected by a network; said computing devices which display graphical and textual output, applications executing on the devices embedding emotive vectors which are representations of emotive states with associated author normalized emotive intensity [..to select a personality type for the visual representation and receives a mood intensity command the selects a mood intensity; see col. 11, lines 1-35]; assembling emotive content by associating emotive vectors with associated text in electronic communication [.. a written descriptions of the personalities type is placed in the text window and the view window; see col. 12, lines 55-67]; encoding emotive content by preserving association of emotive vectors with associated text in the electronic communication, transmitting the communication with emotive content to one or more receiver computing devices, parsing communication bearing emotive content; [see col. 15, lines 1-50]; and mapping emotive vectors to face glyph representations from a set of face glyphs, such that communications encoded with emotive content facilitate exchange of precise emotive intelligence [to rule mappings each personality type has a lexicon associated to it; see col. 5, lines 5-39]; displaying communication of textual with associated face glyph emotive representations on said computing device displays; whereby senders can transmit to receivers precise emotive content in communications [..text occur after the gesture the application module determines whether the gesture requires a facial movement; see col. 21, lines 1-50].

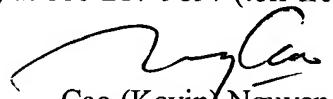
### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

11/22/05